

Article - Local Government

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§21-804.

(a) (1) By ordinance, the County Commissioners of Calvert County may establish stormwater management districts.

(2) Before adopting an ordinance establishing stormwater management districts, the county commissioners by ordinance shall adopt a comprehensive stormwater management plan.

(b) (1) In this subsection, “area affected” means the critical area generating the run-off water and the area flooded.

(2) A written petition requesting the creation of a stormwater management district and a stormwater management project may be presented to the County Commissioners of Calvert County by:

(i) two-thirds of the real property owners in the area affected;
or

(ii) the owners of two-thirds of the real property in the area affected.

(c) (1) On receipt of a valid petition, the County Commissioners of Calvert County shall:

(i) hold a public hearing;

(ii) mail a notice of the time and place of the hearing to each owner of real property in the proposed district at the address shown on the assessment records; and

(iii) publish notice of the time and place of the hearing in at least one newspaper of general circulation in the county for 2 successive weeks.

(2) At the hearing, the county commissioners shall:

(i) determine, with the advice of the Calvert Soil Conservation District, the scope of the stormwater management project; and

(ii) advise the property owners of the approximate cost and estimated benefit charges to be imposed on property in the stormwater management district.

(d) (1) The County Commissioners of Calvert County shall:

(i) determine, with the advice of the Calvert Soil Conservation District, the extent to which the county shall assume responsibility for design, construction, and maintenance of the stormwater management project;

(ii) determine responsibility for design, construction, and maintenance that is not to be assumed by the county;

(iii) determine whether to proceed with plans and specifications; and

(iv) set a date for a final hearing.

(2) The date for the final hearing may be changed only after notice is given in accordance with subsection (c)(1) of this section.

(e) (1) At the final hearing, the County Commissioners of Calvert County may establish the stormwater management district and designate the area included in the district.

(2) If the county commissioners establish a stormwater management district, the county commissioners shall determine:

(i) the scope of the stormwater management project;

(ii) the estimated cost of the project;

(iii) the estimated costs to be assumed by the county;

(iv) the costs to be assumed by other persons; and

(v) estimated benefit charges to be imposed on each individual property.

(3) The estimated benefit charges to be imposed on each individual property shall be based on the benefits accruing to each property in the stormwater management district to the extent the property is benefited by the project, as determined by the county commissioners.

(4) The total cost of the project may be funded by the county commissioners, with individual costs paid back to the county by property owners in a period of time and with interest at a rate set by the county commissioners.

(f) If the County Commissioners of Calvert County proceed with a stormwater management project, the county commissioners shall:

- (1) advertise for bids in the proper manner; and
- (2) award the contract to the lowest responsible bidder.

(g) (1) On completion of a stormwater management project, the County Commissioners of Calvert County shall impose benefit charges on all real property in the stormwater management district.

(2) The benefit charges imposed under this subsection shall be sufficient to meet the costs of the project other than the costs to be assumed by the county.

(3) A benefit charge imposed under this subsection:

- (i) is a lien on the real property on which it is imposed; and
- (ii) shall be paid annually as county taxes are required to be paid, for the period of time established by the county commissioners.

(h) The County Commissioners of Calvert County may accept as a gift, or contract to purchase, land and easements required for the stormwater management district.

(i) (1) On completion of the stormwater management project to county specifications:

(i) Calvert County shall maintain the portions of the system that are located:

1. on county-owned rights-of-way and drainage ways;
- and
2. on drainage ways for which the county has accepted a permanent easement; and

(ii) all other portions of the system shall be maintained by the owner of the property on which a portion of the system is located.

(2) (i) If the owner of the property does not maintain the portion of the drainage system located on the property, the county, after proper notice, may enter the property and correct the drainage problem.

(ii) All costs for actions taken by the county under this paragraph shall be charged as a lien on the real property.

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